

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

02/25/02

J1132105.S. PTO

Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 1579-645

Date: February 25, 2002

10/080522
02/25/02

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:
GENE PRODUCT OVER EXPRESSED IN CANCER CELLS
without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

- ☐ Newly executed Declaration, ☐ Copy of Declaration from prior application, ☒ Abstract
32 pages of specification and claims (including 32 numbered claims), and
9 sheets of accompanying drawing/s.
☐ Record the attached assignment and return to the undersigned.
☐ Attached is a Power of Attorney.
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

| Application Number | Country | Day/Month/Year Filed |
|--------------------|---------|----------------------|
|--------------------|---------|----------------------|

, respectively, the entire content of which is hereby incorporated by reference in this application..

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
☐ Certified copy(ies) filed on _____ in prior application no. _____ filed _____
☐ Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. _____, filed _____, the entire content of which is hereby incorporated by reference in this application.--
☒ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☒ continuation/☐ division/☐ continuation-in-part of Application No. 09/539,774, filed March 31, 2000, which is a continuation of Application No. 09/210,474, filed December 14, 1998, now USP 6,072,034; which is a continuation of Application No. 08/755,559, filed November 22, 1996, now USP 5,912,142, the entire content of which is hereby incorporated by reference in this application.--
☒ Petition filed in prior application to extend its life to insure co-pendency.
☒ The prior application is assigned to DUKE UNIVERSITY.
☒ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.
☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
Please enter the attached and/or below preliminary amendment **prior** to calculation of filing fee:

Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☐ Other:

- | | | | | | |
|----|-------------------|--|-----------------|---------------|----------------|
| 1. | Inventor: | Russel | E. | KAUFMAN | U.S.A. |
| | | (first) | MI | (last) | (citizenship) |
| | Residence: (city) | Durham | (state/country) | | North Carolina |
| | Mailing Address: | 3902 Hope Valley Road, Durham, North Carolina | | | |
| | (Zip Code) | 27707 | | | |
| 2. | Inventor: | Kimberly | A. | SLENTZ-KESLER | U.S.A. |
| | | (first) | MI | (last) | (citizenship) |
| | Residence: (city) | Durham | (state/country) | | North Carolina |
| | Mailing Address: | Duke University, CARL Building, Room 226, Durham, North Carolina | | | |
| | (Zip Code) | 27710 | | | |

☐ See attached sheet(s) for additional inventor(s) information!!

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8th Floor, Arlington, VA 22201.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tat

NIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature:

Mary J. Wilson